

# Minnesota State Department of Public Safety



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## State Fire Marshal Division

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## CHANGE IN USE INFORMATION SHEET

### SECTION 1 – CHANGE IN USE

It is the policy of the State Fire Marshal Division that no change shall be made in the use of a building unless the building is made to comply with code requirements for such division or group. A change in use may occur in existing buildings, buildings that are remodeled, or when an addition is constructed onto an existing building. A change in use that places a building into a different use group has to comply with new code requirements for such division or group.

#### 1.1 Examples

The following are four common scenarios that involve a change in use of a building with the appropriate policy for treating the situation: [MSFC (07) Section 102.3]

1. **Change in use group** by moving across use groups; examples include moving from a business (Group B) occupancy to a residential (Group R) occupancy –or– from a mercantile (Group M) occupancy to a day care (Group E or I-4) occupancy. In these situations, the newly created occupancy must meet all of the applicable fire code requirements for new buildings for the new occupancy classification.
2. **Change in division within the same use group**; examples include moving from a one- and two-family dwelling (Group R-3) to a hotel (Group R-1) –or– from an H-3 to H-2 occupancy due to a change in chemical hazard –or– from a hotel (Group R-1) to an apartment (Group R-2) for the new occupancy classification. In these situations, the occupancy must meet all of the applicable fire code requirements for new buildings for the new occupancy classification.
3. **Additions that increase the size of an existing building** (area or height), without a change in occupancy, or division. In these situations, the new portions of the occupancy must meet all of the applicable fire code requirements for new buildings for that occupancy classification.

4. **Renovations of an existing building**, without a change in occupancy, division or character; for example remodeling or renovation:
  - a) If the remodeling or renovation is “cosmetic” in nature and does not increase the occupant load of the building, it will be considered an existing occupancy and will only be required to meet the applicable fire code requirements for existing buildings for that occupancy classification.
  - b) If the remodeling or renovation is “structural” in nature or increases the occupant load of the building, it will be considered a new occupancy and will be required to meet the applicable fire code requirements for new buildings for that occupancy classification.
  - c) All work being performed must meet the applicable requirements for new construction (i.e. when doors are being replaced, the new doors are required to have the proper fire resistance rating).

Buildings that are listed on the National Register of Historic Places need to be analyzed on a case-by-case basis. These buildings are not allowed to undergo extensive exterior alterations based on their registration as a historic building. A separate analysis using a Fire Safety Evaluation System (FSES) or other appropriate fire safety standard shall be deemed as equivalent protection for these types of buildings.

**RATIONALE:**

MSFC (07) Section 102.3 states in part that changes in use shall be in conformance with the MSBC (07). The State Fire Marshal recognizes the need to be sensitive to some of the cost implications of imposing code requirements on existing buildings that were intended to apply only to new buildings. This consideration is being balanced with a need to improve fire and life safety in existing buildings that can take place when the owner anticipates funding for changes or additions.

MSBC (07) states in part that changes in use that put the building into a different division of the same group or in a different group must comply with requirements for such division or group. MSBC (07) also states that additions may be made to buildings without requiring the existing building to meet requirements for new construction provided the addition complies with new requirements.

Fire protection systems (i.e. sprinklers, alarms, standpipes, etc.) installed in a building should provide coverage for the entire building. It is not the intent of the code or this policy to only protect “new” portions of the building, while “existing” portions have no protection. The MSFC (07) does not require that buildings meet all of the requirements of the Minnesota State Building Code;

only those fire protection requirements addressed in the MSFC (07) and the SFMD Policy INS-01 titled, Distinct Hazards.